

# Kewajiban perusahaan pialang berjangka anggota lembaga kliring berjangka membayarkan margin dan biaya kliring atas transaksi kontrak berjangka yang tidak diakui = Obligation of futures brokerage company as a member of derivative clearing house to pay clearing fund and margin upon unacknowledged derivative transaction

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## Abstrak

[<b>ABSTRAK</b><br>

Tesis ini membahas mengenai Kewajiban Perusahaan Pialang Berjangka yang merupakan Anggota Kliring Berjangka untuk membayarkan Margin dan Dana Kliring, Transaksi pada Perdagangan Berjangka Komoditi merupakan transaksi yang berisiko tinggi dimana para pelaku dapat saja memperoleh keuntungan yang sangat besar akan tetapi dapat juga memperoleh kerugian yang sangat besar pada waktu yang dekat. Untuk meminimalkan hal tersebut maka dibentuklah Lembaga Kliring Berjangka yang berfungsi untuk menjamin penyelesaian pembayaran setiap transaksi Pialang Berjangka yang merupakan Anggotanya, keberadaan Lembaga Kliring tersebut dapat memberikan kepastian dalam pembayaran setiap transaksi yang ada di Perdagangan Berjangka Komoditi, akan tetapi di lain hal untuk menjamin pembayaran dan/atau penyelesaian tersebut dilakukan oleh Lembaga Kliring Berjangka maka Anggota Lembaga Kliring Berjangka berkewajiban untuk menyetorkan Margin dan Dana Kliring, apabila Anggota Kliring Berjangka tidak mengakui adanya transaksi yang dilakukannya dimana transaksi tersebut sudah dijamin penyelesaiannya oleh Lembaga Kliring Berjangka maka hal tersebut akan menjadi permasalahan tersendiri dan memerlukan perlindungan hukum untuk melindungi Lembaga Kliring dari hal-hal tersebut di masa yang akan datang

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<b>ABSTRACT</b><br>

This thesis explored about the obligation of Futures Brokerage Company as a Member of Derivative Clearing House to pay Clearing Fund and Margin. Transaction in futures commodity trading is a high risk transaction, where the party who conduct Futures Commodity Trading can obtain huge profit and huge loss within adjacent. Derivative Clearing House is established to minimize such high risk transaction. The function of Derivative Clearing House is to guarantee payment completion upon every transaction conducted by Futures Brokerage, which is a member of such Derivative Clearing House. The existence of Derivative Clearing House can give certainty in payment upon every transaction in Futures Commodity. Nevertheless to be able to guarantee the payment and/or to complete the transactions by Derivative Clearing House, the member of Derivative Clearing House (Futures Brokerage) is obliged to pay the Clearing Fund and Margin. If such member of Derivative Clearing House did not acknowledge the transaction which has been done whereas such transaction had been guaranteed by the Derivative Clearing House, hence it will become a distinct issue. To be able to solve that issue and any similar issue in the future, the Derivative Clearing House needs legal protection; This thesis explored about the obligation of Futures Brokerage Company as a Member of Derivative Clearing House to pay Clearing Fund and Margin. Transaction in futures commodity trading is a high risk transaction, where the party who conduct Futures Commodity

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